

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) TERRY DON CASSADY and )  
(2) PENNY MARIE WALLING, )  
                                ) )  
                                Plaintiffs, ) )  
                                ) )  
                                ) )  
v. ) Case No. 16-CV-621-TCK-FHM  
    ) )  
(1) CRST MALONE, INC. and )  
(2) NATHANIAL S. MEDLEY, )  
                                ) )  
                                Defendants. ) )

## **OPINION AND ORDER**

Before the Court is Plaintiffs' Application to Serve Defendant Medley for Good Cause (Doc. 49) ("Show Cause Application"), which Defendant CRST Malone, Inc. ("CRST") opposes (Doc. 51).

Plaintiffs filed their Show Cause Application pursuant to the Court’s May 17, 2017 Opinion and Order (Doc. 48), which, inter alia, denied Plaintiffs’ earlier motion to serve Defendant Nathaniel S. Medley (“Medley”) via telephone or voice message. Plaintiffs seek an additional 120 days to serve Medley via means permitted under Federal Rule of Civil Procedure 4 (“Rule 4”). Pursuant to Rule 4(m), if a plaintiff shows good cause for failure to timely serve a defendant, the court “must extend the time for service for an appropriate period.” Having considered the parties’ arguments, the Court finds Plaintiffs have shown good cause for extending the time to serve Medley. Plaintiffs have reported unsuccessful attempts to serve Medley on several occasions at various locations and two telephone conversations with Medley in which Medley failed to provide a location where he could be served. Accordingly, the Court will extend the time for Plaintiffs to serve Medley “for an appropriate period.” Fed. R. Civ. P. 4(m).

CRST argues that if Plaintiffs are granted additional time, the extension should be for a more limited time period, “such as 30 days.” (Def.’s Resp. in Opp. to Pls.’ App. to Serve Def. Medley for Good Cause 3.) CRST contends any additional time would likely require the current scheduling deadlines to be stricken and reset, prejudicing CRST’s “ability to move forward with a timely defense of the claims at hand.” (*Id.*) CRST notes that Plaintiffs failed to make a timely request for additional time to serve Medley. Further, Plaintiffs have had over 240 days since this action was removed to this Court in which to serve Medley. Therefore, the Court finds that an extension of 120 days would be inappropriate and Plaintiffs should be granted an extension of 30 days.

Plaintiffs’ Show Cause Application (Doc. 49) is GRANTED in part. Plaintiffs are granted a 30-day extension from the date of this Order in which to serve Medley.

**SO ORDERED this 7th day of June, 2017.**

  
TERENCE KERN  
United States District Judge